

Message

From: Beers, Samantha [Beers.Samantha@epa.gov]
Sent: 10/6/2021 12:25:42 PM
To: Esher, Diana [Esher.Diana@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Opila, MaryCate [Opila.MaryCate@epa.gov]
CC: Thomas, Donzetta [Thomas.Donzetta@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Isales, Daniel [Isales.Daniel@epa.gov]; Scott, Gail [Scott.Gail@epa.gov]
Subject: RE: Comments/Proposed Title V Permit for Covanta Delaware Valley, L.P. (Chester, Pennsylvania)

Ex. 5 Deliberative Process (DP)

Samantha Phillips Beers Director
Office of Communities Tribes and Environmental Assessment
US EPA Region 3
Beers.samantha@epa.gov
215-814-2627

From: Esher, Diana <Esher.Diana@epa.gov>
Sent: Wednesday, October 06, 2021 7:44 AM
To: Fernandez, Cristina <Fernandez.Cristina@epa.gov>; Opila, MaryCate <Opila.MaryCate@epa.gov>
Cc: Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: FW: Comments/Proposed Title V Permit for Covanta Delaware Valley, L.P. (Chester, Pennsylvania)

Good morning,

Ex. 5 Deliberative Process (DP)

Diana

Diana Esher
Acting Regional Administrator
US EPA Region 3
215-814-2706
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From: Rodrigues, Cecil

Sent: Tuesday, October 05, 2021 8:30 AM

To: Esher, Diana <Esher.Diana@epa.gov>; Leonard, Paul <leonard.paul@epa.gov>

Subject: FW: Comments/Proposed Title V Permit for Covanta Delaware Valley, L.P. (Chester, Pennsylvania)

Diana:

Ex. 5 Deliberative Process (DP)

Summary of Comments:

The Department should address environmental injustice in this permit application.

1. Chester is an Environmental Justice community.
2. Chester has suffered a disproportionate burden of air pollution from local industrial facilities.
3. Chester has a well-documented history of disproportionately high rates of respiratory and other health problems, especially asthma.

II. The Department has legal authority to address environmental injustice in the context of this permit

The Department should abandon the notion that it “must” grant an application for a Title V Operating Permit that meets minimum requirements.

1. The law does not compel the Department to approve an application for an operating permit.
2. The Department’s policy that it must grant an application that meets all applicable regulatory and statutory requirements is unlawful as a matter of law.

II. The Department should disapprove the permit application in the absence of any analysis that it will not cause “Air Pollution” as defined in state law and regulation.

1. Federally-enforceable state regulations require the Department to disapprove an application for an operating permit if it determines that the source “is likely to cause air pollution.”
2. The Department should disapprove the application because the Applicant and the Department have not performed any analysis whether the Facility will harm human health.

Thanks. Cecil.

Cecil Rodrigues (he/him/his)

Regional Counsel (3RC00)

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